IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3143 of 1988

For Approval and Signature:

HON'BLE MISS JUSTICE R.M.DOSHIT

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMBALAL Z PRAJAPATI

Versus

VICE-CHANCELLOR

Appearance:

MR NILESH A PANDYA for the Petitioner

MR AR THAKKAR for MR JR NANAVATI for Respondent No. 1

MR LR PUJARI, AGP for Respondents Nos. 2,4

DELETED for Respondent No. 3

CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT

Date of decision: 11/10/2004

ORAL JUDGEMENT

The petitioner, a Wireman in the respondent Anand Agricultural University (hereinafter referred to as "the University"), challenges the disparity in pay amongst the wiremen appointed by the University.

The petitioner and one Shri B.K.Trivedi came to be appointed as Wireman in the then Agricultural University in the year 1980. The said Shri Trivedi was given the pay-scale of Rs.350-560 while the petitioner was given the pay-scale of Rs.260-430. Feeling aggrieved, the petitioner made representation. As the petitioner's representation was not considered favourably the petitioner gave a legal notice. The said legal notice was replied on 11th March, 1987. Feeling aggrieved by the denial of the higher pay of Rs.350-560, the petitioner has preferred the present petition.

Learned advocate Mr.Pandya has appeared for the petitioner and has referred to the comparative table (Annexure-'G' to the petition). He has submitted that the petitioner possesses higher educational qualification than the said Shri Trivedi. Both of them were appointed as Wireman; Shri Trivedi on 12th September, 1980 and the petitioner on 29th November, 1980. Both the wiremen possess Wireman's Certificate. The petitioner has higher educational qualification than that of Shri Trivedi; the nature of duties are similar, the petitioner, therefore, is entitled to parity of pay with the said Shri Trivedi.

The petition is contested by the University. It is denied that the nature of duties required to be performed by the said Shri Trivedi and the petitioner are identical or similar. It is stated that the duties of the said Shri Trivedi are wider than that of the petitioner. The question of parity of pay amongst the wiremen appointed in the University was considered by the Pay Commission. The Pay Commission also took note of the difference in nature of duties and rejected the claim for parity of pay. It is submitted that the wireman appointed at zonal level is required to perform duties in the entire zone while the petitioner was required to perform duty in Dairy Science College, Anand. It is further stated that the said Shri Trivedi and the petitioner were appointed through the same selection procedure. The said Shri Trivedi was found to be more meritorious and was placed at Serial No.1 while the petitioner was placed at Serial No.2. The said Shri Trivedi was, therefore, appointed at zonal level and the petitioner was appointed at Science College.

The aforesaid statements made in the counter affidavit are not controverted. As the duties of the wireman at zonal level are much wider than the duties of the wireman at College, the parity of pay claimed by the petitioner is not sustainable. Further, the Pay Commission also had considered the matter and had not

accepted the demand made by the petitioner.

This Court, exercising power of judicial review under Article 226 of the Constitution of India, would not interfere with the administrative decisions based on relevant materials and sound reasons.

In view of the above discussion, the petition is dismissed. Rule is discharged. There shall be no order as to cost.

(Ms. R.M.Doshit, J.)

/sakkaf